



## YEAR TWO REPORT NOVEMBER 2019-OCTOBER 2020

### BACKGROUND

Allegheny County was awarded a Safety and Justice Challenge grant from the John D. and Catherine T. MacArthur Foundation in 2018 with the goal of reducing the Allegheny County Jail population by 20%. During the second year of the project, the grant partners continued carrying out the project strategies and rapidly responded to the COVID-19 pandemic, achieving a 36% reduction and the lowest jail population in twenty years. This report will outline the progress made in the second year of the Safety and Justice Challenge project, the causes of the significant decline in the jail population, the continuing challenge of racial disparities in the criminal justice system, and the plans to further drive down incarceration in Allegheny County.

### THE IMPERATIVE TO REDUCE INCARCERATION

The [Safety and Justice Challenge](#) (SJC) supports a national network of jurisdictions to rethink the use of jails in response to the massive increase in jail populations that has taken place across the country in the past four decades. There is growing recognition of the issues associated with this increase in jail populations, including the amount of time that people presumed innocent are held in jail awaiting trial, the prevalence of mental health and substance use issues among people involved in the criminal justice system, the disproportionate incarceration rates of Black people and other people of color, and the cost of incarceration to taxpayers. The health risk of COVID-19 in the congregate setting of jails provides yet another reason why overincarceration must be urgently addressed.

Local government and criminal justice leaders in Allegheny County have committed to addressing these issues of overincarceration through collaborative work to maintain public safety while curbing jail bookings and reducing the amount of time that people stay in jail. In the second year of the SJC grant, Allegheny County criminal justice and local government stakeholders continued implementing the project strategies that were developed using an analysis of the drivers of the Allegheny County Jail population.

### SAFETY AND JUSTICE CHALLENGE PARTNERS

The Allegheny County Safety and Justice Challenge team includes the following partners:

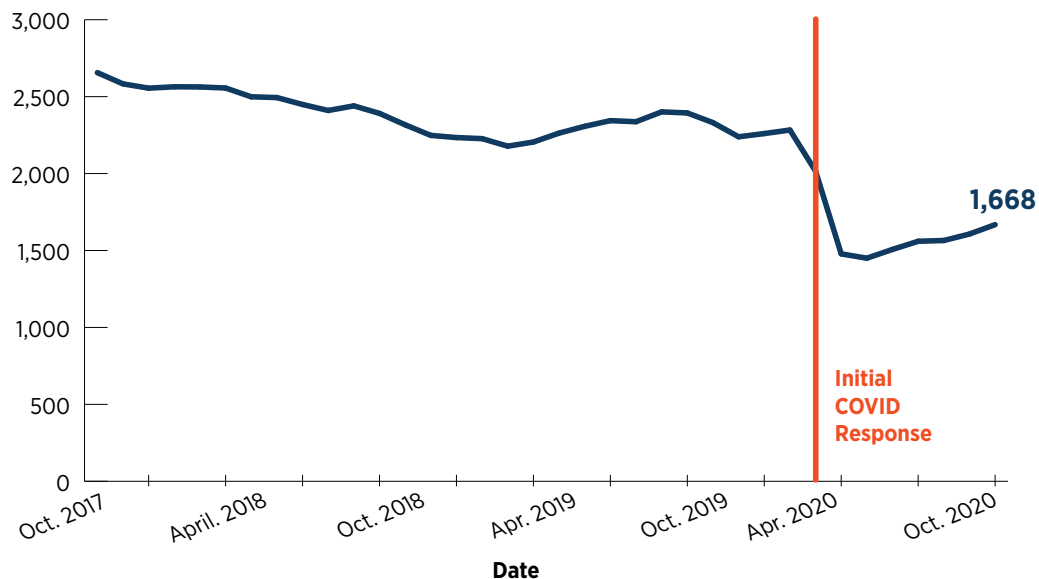
- Fifth Judicial District of Pennsylvania Court Administration
  - Criminal Division
    - » Pretrial
    - » Adult Probation
- Allegheny County government – Executive branch, including:
  - Department of Human Services
  - Jail
  - Office of the Public Defender
- District Attorney’s Office

### OUTCOMES

Over the past year, the Allegheny County SJC partners continued carrying out a set of strategies to decrease both bookings into the jail and the length of stay of people incarcerated in the jail. These strategies were developed as a part of the original grant application process through a close analysis of jail population data, to understand how the biggest impact could be made. At the end of the second year of the SJC project, Allegheny County reached a 36% reduction in the jail population from the baseline.<sup>1</sup> A reduction of nearly 12% had been achieved by February 2020, and then further accelerated in the initial response to COVID-19.

### JAIL POPULATION



Jail Population Trend (Monthly Average)







<sup>1</sup> The baseline period, as determined by the MacArthur Foundation, is November 2017 through April 2018.

The SJC team put considerable effort into a plan to reduce the time to disposition for court cases, which was anticipated to have the largest impact on the jail population. The work involved bringing together representatives from the judiciary, prosecution, defense, and court staff to map out the current court process, identify bottlenecks and develop a new process that would combine two existing hearings into one and provide an opportunity for earlier resolution of cases. The plan that was developed would not only reduce the amount of time that people wait in jail for their cases to be resolved, it would reduce opportunities for people in the community to miss hearings by eliminating a hearing date, and reduce the number of times that victims and witnesses must come to court. The plan was set to roll out in the spring of 2020 but has been delayed due to the impact of the pandemic on court operations.

A strategy that was successful in the second year of the grant was the work to reduce the number of local probation detainers. Adult Probation put in place guidelines about when someone should be detained for probation violations and what steps should be taken to try and prevent detention. Adult Probation also convened a multi-agency workgroup to review cases of individuals who have been detained and who might be able to be released. The workgroup coordinates bail modifications and connections to treatment, monitors progress in court-ordered programming, and puts together information to request detainer lifts. Adult Probation also put in place a warrant review process to ensure that warrants are only issued for public safety issues or when specifically requested by a judge. The work to prevent detainers and monitor cases that have been detained led to a 35% reduction in the population detained for probation violations.

YEAR TWO IMPLEMENTATION PROGRESS	OUTCOMES
<b>Provide representation at bail hearings</b>	
 <p><b>FULLY IMPLEMENTED</b></p>	<p>Prior to the pandemic, the Office of the Public Defender (PD) provided representation during business hours and for approximately 42% of evening and overnight bail hearings. During the pandemic, attorneys have not been able to meet with their clients prior to the hearings but are providing representation remotely.</p>
<b>Improve court processing efficiency</b>	
 <p><b>PARTIALLY IMPLEMENTED</b></p>	<p>With additional staffing, the District Attorney’s Office continued to have a low continuance rate at formal arraignment hearings in the second year of the project.</p> <p>Most of the court processing work in year two was through a multi-agency workgroup that developed a plan to combine two separate court hearings into one to reduce the time that it takes to resolve court cases. The plan is anticipated to significantly reduce time to disposition and reduce opportunities for failures to appear, but implementation of the plan has been delayed due to COVID-19.</p>

YEAR TWO IMPLEMENTATION PROGRESS	OUTCOMES
<b>Resolve probation violations and new charges with one hearing</b>	
 <p><b>FULLY IMPLEMENTED</b></p>	<p>The early probation violation (EPV) policy, which allows for scheduling of a new charge hearing and probation violation hearing on the same day was implemented in year one and continued in year two of the project. There are plans to expand eligibility for the EPV process, which is currently limited to individuals whose probation violation and new case are before the same judge, to individuals with multiple judges.</p> <p>A project to request early termination of probation for people who are successful on supervision was implemented in year one of the project, and the District Attorney’s office joined the efforts in November 2019 with expanded eligibility criteria. However, the filing of early terminations was on hold during the start of the pandemic and is in the process of restarting.</p>
<b>Reduce the number and length of probation detainers</b>	
 <p><b>FULLY IMPLEMENTED</b></p>	<p>Adult Probation developed a policy providing guidelines for steps that should be taken to prevent detention and to plan for release if someone is detained. The policy went into effect in December 2019 and a multi-agency detainer workgroup meets biweekly to review people who are detained and put together release plans.</p>
<b>Expedite jail transfers</b>	
 <p><b>FULLY IMPLEMENTED</b></p>	<p>In year two of the project, the jail and the Sheriff’s office continued using a dashboard to monitor individuals with resolved legal matters in Allegheny County who are awaiting transfer to another institution and ensure that individuals are transferred as quickly as possible.</p>
<b>Expedite transfers for behavioral health population</b>	
 <p><b>PARTIALLY IMPLEMENTED</b></p>	<p>DHS, ACJ, and the provider community continue to collaborate and review current practices and implement new practices that will result in decreasing the time of transfer.</p> <p>The average number of days that people wait in jail for a treatment bed had been decreasing since the start of the project, but increased from 18 days in February 2020 to a high of 56 days in May 2020, as treatment providers had to adhere to public health guidelines to ensure safety of residents during COVID-19. Although admissions to treatment facilities never ceased, facility capacity was limited to allow for quarantine/isolation space. With continued collaboration and planning the average time to release to treatment was down to 34 days in October of 2020.</p>

## COVID-19 RESPONSE

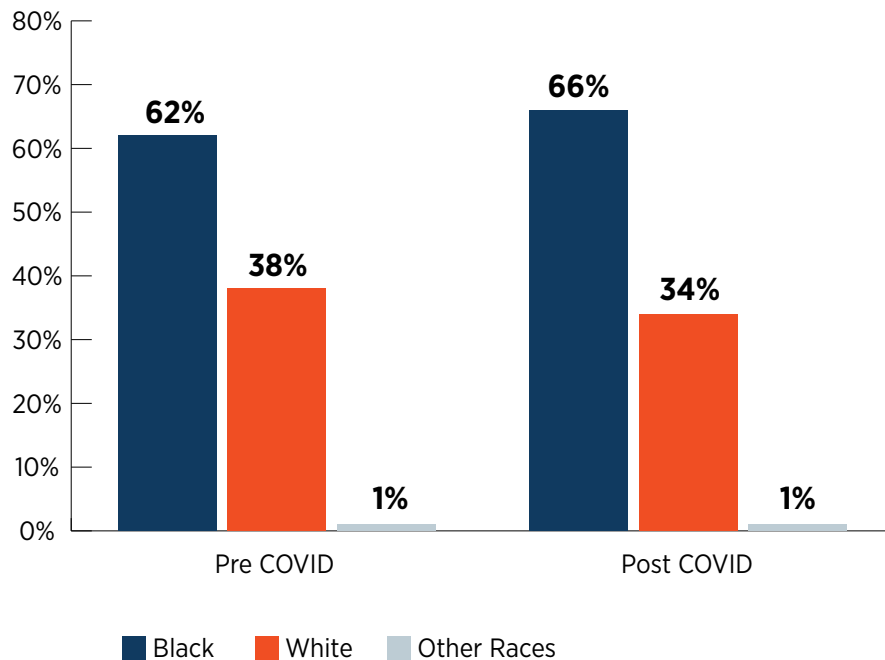
The COVID-19 pandemic began about halfway through the second year of the SJC project, and undoubtedly played a significant role in accelerating the existing jail population reduction work. The primary reason for the rapid decrease in the jail population at the start of the pandemic was a drop in jail bookings, which decreased 77% from February to April. Much of the decline in bookings from February to April is attributable to the fact that filings for new crimes fell by 65% during this time. The steepest declines were in filings for drug offenses (down 83%), public order offenses, such as disorderly conduct and resisting arrest (down 72%), and weapons offenses (down 66%). The court closed to the public from March 16th until June, although new criminal case processing continued. During this time, criminal justice stakeholders worked collaboratively to review as many people as possible for bail modifications, probation detainer lifts, and early parole. The working relationships built through the SJC project were beneficial in coordinating the release work, and enabled Pretrial Services, the Office of the Public Defender, and Adult Probation to quickly review and bring motions and detainer lift requests to judges. Despite the rapid release of people from jail at the start of COVID-19, those individuals released did not have higher recidivism rates than people released during the same time period in 2019. Only 11% of people who were released at the start of the pandemic had recidivated within 90 days of release, compared to a 19% recidivism rate for the same period in 2019.

## RACIAL DISPARITY

In addition to promoting the safe reduction of jail populations, a critical part of the SJC is addressing racial and ethnic disparities in the criminal justice system. Like most jurisdictions across the country, racial disparities in Allegheny County have been persistent and are evident throughout the criminal justice system, from arrest rates to incarceration rates. Widespread calls for racial justice have further intensified the urgency to focus on inequities in the criminal justice system.

In the immediate response to COVID-19, incarceration rates for both Black and white individuals dropped significantly, and the majority of people released were Black. However, racial disparity in the jail population increased slightly, and it appears that differences in the types of charges that people had by race may have played a role in this increase. A greater share of Black individuals had a highest charge that was a person- or weapon-related felony, and charge type was one of the main considerations in making decisions about release, with lower charges more likely to garner release. The goal of the project is to continue reducing the overall impact of incarceration, particularly on Black individuals who are overrepresented in the jail. Yet even as the number of people in jail drops, it is vital to continue working to better understand and address the drivers of racial disparity in who is held in jail.

### Jail Population by Race Pre and Post COVID



The SJC team will be partnering in a study in 2021 that has been commissioned by the University of Pittsburgh's Institute of Politics to collect comprehensive quantitative and qualitative data about each point in the criminal justice system, review policies and practices, and provide recommendations to reduce those disparities. The SJC team will work with the researchers to provide information and utilize their recommendations to make policy and practice changes to address disparities. The team is also working with a technical assistance provider through the SJC network to increase competence about racial disparities and develop internal practices to promote disparity reduction.

### PERSPECTIVES FROM PEOPLE INSIDE

In late 2019 and early 2020, the SJC team held listening sessions in the Allegheny County Jail and two alternative housing sites to hear directly from people who are incarcerated about preventing criminal justice system involvement, accessing services in the community, the court process, and what would help people to stay out of jail. Key themes from the listening sessions were shared back to criminal justice and human services leadership to use in the SJC project implementation and the development of strategies related to preventing criminal justice involvement. Some of the key themes included:

- Jail bookings could be prevented by helping people in crisis get to a hospital or treatment facility.
- People want services in the community to be housed in one accessible location, and to be confidential, culturally competent, and staffed by relatable people.

- How people are treated in the criminal justice system matters, and many people feel like they are presumed guilty before being convicted.
- It is important to have clear communication about all the steps in the criminal justice process.
- A person's overall behavior on probation should be considered before jailing them for a violation.
- There are ways that hearings could be grouped together or scheduled differently to shorten the court process and the amount of time that people need to wait in jail to resolve cases.
- The biggest concerns for people leaving jail are stable housing, financial stability, accessing treatment, overcoming stigma, the ability to parent, and having a sense of purpose.

## NEXT STEPS

The steep reduction in the jail population did not adversely impact public safety and has demonstrated that a significant reduction in incarceration is possible. As court operations have resumed, the goal is to maintain and enhance practices that helped to bring down the jail population.

Allegheny County has applied for additional funding to continue the SJC project for two more years and has ambitious plans to continue reducing the jail population. The proposed project would continue and expand strategies that have been effective, fully implement strategies that were delayed due to COVID-19 and carry out new work. Allegheny County has already started work to make improvements to community-based supports and develop new responses for people in crisis to prevent criminal justice involvement and incarceration. Another new strategy will be to complete a community-informed process to develop a blueprint and capital budget request for a redesign of the jail aimed at reflecting a significantly smaller jail census and optimizing the space for rehabilitation.

Implementing these strategies as the SJC partners continue to respond to the pandemic will be challenging. The jail population began slowly rising in June 2020 as bookings increased with the county reopening, and the courts dealt with a backlog of cases from the court closure. Yet the challenges of the pandemic have created the opportunity to rethink how the jail is used and push for further reductions. The Allegheny County partners will build on the policy and practice changes of the previous several years and utilize the current momentum to continue impacting the jail population.

## APPENDIX A

## APPENDIX A: REASONS FOR BEING HELD IN THE ALLEGHENY COUNTY JAIL

**Pretrial detention**

Following arrest an individual is held until they are released awaiting resolution of their pending cases or, if held without bail, until their cases have been resolved in court.

**Local sentence**

Individuals in Pennsylvania may be sentenced to up to 23 months in a county jail. Sentences of 24 months or greater are served in a State Correctional Institution.

**External holds**

Individuals may be detained in the jail due to holds from other counties, a State Correctional Institution, the Pennsylvania Parole Board, or federal authorities. In some cases, an individual is being held while awaiting transport to another correctional institution, or the individual may also have local charges or violations that must be resolved prior to release to the other correctional facility.

**Violation of probation**

If an individual is alleged to have violated a term of a local probation sentence, he or she may be held pending a probation violation hearing.

**Family Division holds**

The Court of Common Pleas Family Division may order individuals to the jail for violation of child support orders or protection from abuse orders (PFAs).

**Release conditions**

Upon resolution of charges or violations, a release condition may be imposed allowing release only to a particular entity, often a treatment provider or Justice Related Services.<sup>2</sup> Individuals may wait in the jail to be released to the location ordered by the Court.

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<sup>2</sup> Justice Related Services (JRS) provides supports to persons with mental illness and/or co-occurring mental illness and substance use disorder who encounter the criminal justice system.